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**FACSIMILE COVER SHEET****Date:** December 1, 2004**To:** Group 1653**From:** Darlene A. Vanstone**Fax Number:** (703) 872-9306**Subject:** **Paper:** Supplemental Information Disclosure Statement**Docket No.:** 4010.3002 US1**Applicants:** Mark A. Holland, *et al.***Serial No.:** 10/821,640**Filing Date:** April 9, 2004**Number of pages including this cover sheet** 8**Please confirm receipt of facsimile:** Yes X No       **Comments:**

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DEC 01 2004

Docket No: 4010.3002 US1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark A. Holland and Nicole Lenihan  
Application No.: 10/821,640 Group Art Unit: 1653  
Filed: April 9, 2004 Examiner: Not Yet Assigned  
Confirmation No.: 9018  
Title: BACTERIOPHAGE FOR LYSIS OF *METHYLOBACTERIUM* AND  
COMPOSITIONS AND USES THEREOF

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
12/1/04	<i>Rachel Meehan</i>
Date	Signature
RACHEL MEEHAN	
Typed or printed name of person signing certificate	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
  - ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
  - ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper. (Filed after payment of issue fee)

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Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

(Applies to original applications (other than design) filed on or after May 29, 2000)

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in -§ 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☐ Copies of the cited references are enclosed.
- ☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☐ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.  
[The earlier application contains copies of the cited references.]
- ☒ The listed reference was cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☐ the enclosed English language abstract.

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The Examiner is requested to return a copy of the list of pending applications indicating which references were considered with the next office communication.


It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account ☐ in the amount of [\$ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 502807.

Respectfully submitted,

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Dated: *December 1, 2004*



## PATENT COOPERATION TREATY

## PCT

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## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 4010 3002 WO	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US04/11109	International filing date (day/month/year) 09 April 2004 (09.04.2004)	(Earliest) Priority Date (day/month/year) 10 April 2003 (10.04.2003)
Applicant SALISBURY UNIVERSITY		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the Report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐

With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(h), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. \_\_\_\_\_



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure



as selected by this Authority, because this figure better characterizes the invention.



none of the figures is to be published with the abstract

Form PCT/ISA/210 (first sheet) (January 2004)

## INTERNATIONAL SEARCH REPORT

International application No.

PCT US04 11109

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A01N 63/00; A61K 35/76; C12N 1/06, 7/02; C12Q 1/02, 1/18, 1/24  
 US CL : 47/57.6; 424/93.6; 435/29, 30, 32, 471, 235.1, 239, 259, 264, 267

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 47/57.6; 424/93.6; 435/29, 30, 32, 471, 235.1, 239, 259, 320.1, 264, 267, 948, 975

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
 Please See Continuation Sheet.

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2003/0032141 A1 (NGUYEN et al.) 13 February 2003 (13.02.2003), especially pages 6 and 8.	1-56
A	US 5,268,171 A (POLACCO et al.) 07 December 1993 (07.12.1993), entire document.	1-56
A	US 6,255,467 B1 (LINDNER et al.) 03 July 2001 (03.07.2001), entire document.	1-56

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

## \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"U" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"F"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

29 September 2004 (29.09.2004)

Date of mailing of the international search report

20 OCT 2004

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 Facsimile No. (703) 305-3230

Authorized officer

Laurie A Scheiner  
 Telephone No. 571 272-1600

*F. Roberts for*

Form PCT/ISA/210 (second sheet) (January 2004)

**INTERNATIONAL SEARCH REPORT**

International application No.  
PCT/US04/11109

Continuation of B. FIELDS SEARCHED Item 3:  
WEST. DIALOG  
search terms: methanotroph?, methylbacterium, phage or bacteriophage, lytic

Form PCT/ISA/210 (extra sheet) (January 2004)